

Appl. No. 10/045,267
Amtd. Dated October 6, 2005
Reply to Final Rejection of July 6, 2005

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Remarks/Arguments

Claims 1, 29, and 30 stand rejected on the grounds of double patenting and claims 1, 2, 6, 7, 29, and 30-32 stand rejected, 35 USC 102(e) as being anticipated by Inoue et al patent 6,510,152 (hereinafter Inoue) and claims 3, 4, 8, 16, 17, 24, 25, 26, 27, 33, and 34 stand rejected as unpatentable, 35 USC 103(a) in view of Inoue and a number of secondary references. In response thereto, applicants propose to cancel claims 1-4, 6-8, 16, 17, 24-27, 29 and 30 and to present new claims 35 -38. In addition, claim 31 has been amended to correct a typographical error therein.

Applicants are disappointed that the Final Rejection being responded to is basically a complete repetition of the first Office Action, including the rejection of claims under the doctrine of double patenting. Applicants accordingly request to be advised whether the Terminal Disclaimer submitted with their prior Amendment was in any way defective so as to require the Examiner to repeat that ground for rejection.

Applicants believe that the Examiner has not appreciated the significant differences between applicants' invention and Inoue which is the primary reference upon which all of the Examiner's Section 102 and 103 rejections rely. Applicants' invention is concerned with providing a very rapid assignment of an IP address to certain requesting wireless terminals, referred to as time sensitive requests, while allowing for the normal DHCP procedures for providing the IP address to other requesting wireless terminals whose requests are categorized as non-time sensitive. Inoue however is concerned with being able to reuse an assigned IP address for some wireless terminals where the system puts a limit on the time the address is assigned to that terminal, the time being called a limited lease, while allowing other wireless terminals to retain their IP address for reuse for an unlimited time period, the infinite lease.

First of all, time sensitive and time-insensitive requests, to be used in the assignment of IP addresses, are not the same as or in any way suggested by the Inoue finite and infinite leases for assigned IP addresses. Significantly, applicants note that the Examiner, in her section of the Office Action entitled "Response to Arguments" does not refute this difference between the time sensitivity involved in expediting the assignment of an address and the provision of a termination on the period or time of the assignment of the address, that is, the "lease" of the assignment. The Examiner merely states at page 20 of the Office Action in section (6) that "the finite lease is time sensitive, that the lease will expire within certain time." That is not what "time sensitive" means in applicants' specification, and applicants submit that the Examiner must refer to applicants' use of terminology for the definition of "time sensitive" in applicants' claims. While the Examiner can properly, as she states, interpret "the claims language broadest possible", she can not ignore the meaning of the claim language as defined by applicants' specification.

One aspect of applicants' invention is that for a time sensitive handoff, the request for the new IP address is not forwarded to a system IP address server for normal DHCP processing, but is instead handled immediately at the wireless IP agent which had

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received an allocation of IP addresses from the system IP address server and which, upon determining that the request is time sensitive, immediately assigns one of those IP addresses instead of forwarding the request. In rejecting applicants' claim 31 the Examiner has asserted that Inoue discloses wireless IP agents having a time sensitive IP address pool which receives the allocation of IP addresses, and cites Inoue Fig 12 to support that assertion. Applicants fail to see anything in Fig. 12 that relates to time sensitive requests or to a prior stored pool of addresses for use with such time sensitive requests. The Examiner then cites columns 9 and 10 of Inoue for the wireless agent determining that the request is time sensitive and for assigning the IP address from its pool for a time sensitive request while forwarding time insensitive requests. Applicants submit that none of this is to be found in Inoue columns 9 and 10. As the Examiner states at the end of the second paragraph at page 9 of the Office Action, what Inoue discloses and teaches is that "the type of leasing of IP address will be sent out accordingly from the IP address pools" at the system IP address server.

These distinctions are clearly set forth in the claims as submitted by this Amendment. Thus claims 31, 32, and 38, and their dependent claims, recite that the wireless IP agent directly provides a requesting wireless terminal with an IP address from a pool of addresses it has received from the system IP address server if the request is time sensitive but forwards the request to the IP address server if the request is not time sensitive. Claim 35 recites the partitioning of the IP pool into groups of address spaces based upon the number of time sensitive and time insensitive demands as distinguished by the wireless cell. It is not the wireless cell, in Inoue, that distinguishes between the Inoue lease times and, as discussed above, finite and infinite leases are not the same as or suggestive of applicants' time sensitive and time insensitive requests.

Accordingly, applicants submit that claims 31-38 are clearly patentable.

Withdrawal of the Final Rejection, entrance of this Amendment, reconsideration and allowance of claim 31, as amended, and of claims 32-34, favorable consideration and allowance of claims 35-38, and passage of this application to issue are therefore respectfully requested.

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If the Examiner considers it would in any way expedite the prosecution of this application or avoid the necessity for an appeal, she is invited to telephone applicants' attorney at the number set forth below.

Respectfully submitted,

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